



## U.S. Department of Justice

Executive Office for Immigration Review

*Office of the Chief Immigration Judge*

Chief Immigration Judge

5107 Leesburg Pike, Suite 2500  
Falls Church, Virginia 22041

June 16, 2005

### MEMORANDUM

TO: Deputy Chief Immigration Judges  
All Assistant Chief Immigration Judges  
All Immigration Judges  
All Court Administrators  
All Support Staff

FROM: Office of the Chief Immigration Judge

SUBJECT: Operating Policies and Procedures Memorandum (OPPM) 05-07: Definitions and Use of Adjournment, Call-up and Case Identification Codes

**A. Rescinded OPPM:**

This Operating Policies and Procedures Memorandum (OPPM) rescinds OPPM 03-03, Definitions and Use of Adjournment and Call-up Codes, dated July 8, 2003, and sets forth additions to the Adjournment, Call-up Codes and Case Identifiers used to track the case hearing process.

**B. Effective Date:**

The revisions and/or additions to the current list of adjournment, call-up and case identification codes listed in this OPPM are effective immediately.

**C. Background:**

Adjournment, Call-up, and Case Identification Codes are used primarily for case tracking information in the agency's automated system. More specifically, when a case is adjourned or a call-up date given, the reason for that adjournment or call-up must be provided by an Immigration Judge and then entered into the automated system by a support staff member using a two-digit adjournment code, or a two-letter call-up code. These codes have been revised to include changes required by statutory, regulatory and policy changes. Additional codes were also added to allow for better case tracking where case completion goals apply.

#### D. List of Revised Adjournment Codes with the Definition:

**Please note that there are now adjournment codes that will: 1) Exempt a case from being counted toward the case completion goals, but DO NOT stop the asylum clock (e.g. - Adjournment codes 24, 37, 43, 44, 47, 50 and 53), and 2) Exempt the case from aged case completion goals.**

| <u>Code</u> | <u>Reason</u>  | <u>Definition</u>  |
|-------------|--|--|
| *01         | Alien to Seek Representation                                   | Adjourned for alien to seek representation.  |
| *02         | Preparation - Alien/Attorney/<br>Representative                | Adjourned to allow alien/attorney/<br>representative time to prepare the case, including:<br>allowing time to file an additional relief<br>application not initially requested; or to take<br>witness testimony outside corrections facility, e.g.,<br>at the Immigration Court for a witness in 240A(b)<br>hearing. |
| 03          | Preparation - DHS  | Adjourned to allow the DHS time for case<br>preparation or to cover other DHS-requested<br>continuances not included on this list.   |
| 04          | DHS or DHS Administrative<br>File - Unavailable for<br>Hearing | Adjourned because DHS does not have the A-File<br>available, or does not appear at the hearing.  |
| *05         | Alien to File for Asylum                                       | Adjourned to allow the alien to file an asylum<br>application with the Immigration Court.  |
| *06         | Alien to File Other<br>Application                             | Adjourned to allow the alien to file an application<br>for relief (other than for asylum) with the<br>Immigration Court.   |
| +*7A        | DHS Application Process -<br>Alien Initiated                   | Adjourned to allow the adjudication of an<br>application pending with DHS, other than I-130, I-<br>140, I-730, I-751, Cuban Adjustment or Pending<br>Naturalization Application.   |

+ These codes exempt a case from being counted toward the Case Completion Goals.

\* These codes will stop the Asylum Clock until the next hearing.

**D. List of Revised Adjournment Codes with the Definition (continued):**

|      |  |   |
|------|--|---|
| +7B  | DHS Application Process -<br>DHS Initiated                       | Adjourned to allow the adjudication of an application pending with DHS, other than I-130, I-140, I-730, I-751, Cuban Adjustment or Pending Naturalization Application.  |
| +*7C | DHS Adjudication of I-130  | Adjourned to allow for adjudication of I-130.   |
| +*7D | DHS Adjudication of I-140  | Adjourned to allow for adjudication of I-140.   |
| +*7E | DHS Adjudication of I-730  | Adjourned to allow for adjudication of I-730.   |
| +*7F | DHS Adjudication of I-751  | Adjourned to allow for adjudication of I-751.   |
| +*7G | 1966 Cuban Adjustment  | Adjourned to allow for adjustment under the Cuban Adjustment Act of 1966.   |
| +*7H | Pending Naturalization of<br>Petitioning Relative                | Adjourned to allow for naturalization of alien's petitioning relative.  |
| 08   | State Department Response<br>Not in ROP                          | Adjournment used ONLY when the Immigration Judge requests a special case-specific opinion.  |
| 09   | Alien in DHS/Corrections<br>Custody Not Presented for<br>Hearing | Adjourned because DHS/Corrections did not bring the detainee/inmate to a scheduled hearing.   |
| 10   | Notice Sent/Served<br>Incorrectly                                | Attorney and/or alien does not appear at the scheduled hearing due to the notice of hearing containing inaccurate information, or, alien/attorney appears but has not received adequate notice of hearing of the proceedings. |
| *11  | Other No-Show by Alien/<br>Alien's Attorney/<br>Representative   | Adjourned because an alien and/or his or her attorney/ representative does not appear at a scheduled hearing due to any reason except an incorrect notice or DHS oversight.   |

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\* These codes will stop the Asylum Clock until the next hearing.

**D. List of Revised Adjournment Codes with the Definition (continued):**

|     |  |   |
|-----|--|---|
| *12 | Other Alien/Alien's Attorney/ Representative Request | Adjourned at the request of an alien/ alien's attorney/representative for reason that is not covered in this OPPM.  |
| 13  | Insufficient Time to Complete Hearing                | Adjourned because the case could not be completed in the time allotted, including: preparation of IJ's oral decision (This is different from a "reserved decision") and delivery at scheduled hearing; or, IJ wants to hear the testimony of additional witnesses, i.e., arresting officer or some other key witness not present at the hearing or to take and present a deposition.  |
| 14  | Other Operational/Security Factors                   | Adjourned because of "operational" problems not covered in this list; e.g., recorder inoperable; weather, or environmental factors; agendas changed by OCIJ, IJ replaced/ resigned or retired; and/or, security risk to anyone in the court, e.g., in detained or criminal alien cases where DHS/the Corrections officials notify us that they believe the person is a security risk to take out of detention, or in the event of a bomb threat. <i>For televideo malfunction, see code 46.</i> |
| 16  | Alien Released From DHS/Corrections Custody          | Adjourned from a detained to a non-detained calendar due to the alien being released from custody/ incarceration (except for transfer from IHP custody to DHS custody).   |
| 17  | MC to IC - Merits Hearing                            | Adjourned from a Master Calendar to an Individual Calendar for a merits hearing, usually allowing time to file and process applications for relief before the hearing on the merits.  |
| *21 | Supplement Asylum Application                        | Adjourned to file additional attachments or updates to a previously filed Form I-589.   |

+ These codes exempt a case from being counted toward the Case Completion Goals.

\* These codes will stop the Asylum Clock until the next hearing.

**D. List of Revised Adjournment Codes with the Definition (continued):**

|     |   |   |
|-----|---|---|
| *22 | Alien or Representative Rejected Earliest Possible Asylum Hearing | Original hearing reset date was rejected and rescheduled to a later date.   |
| *23 | Asylum Application Withdrawn/ Reset for Other Issues              | Hearing adjourned because the Form I-589 was withdrawn and hearing was reset for other issues.  |
| +24 | DHS to Provide Biometrics Check                                   | Adjourned to allow DHS to complete the biometrics checks including required data base and fingerprint checks.   |
| 25  | To Allow for Scheduling of Priority Case                          | Adjourned to allow for space to set a time-sensitive case.  |
| *26 | Alien Request for an In-Person Hearing                            | Telephonic/televideo hearing adjourned due to a request by alien for an in-person hearing.  |
| 27  | DHS Request for an In-Person Hearing                              | Telephonic/televideo adjourned due to a request by DHS for an in-person hearing.  |
| 28  | IJ Determined that an In-Person Hearing is Necessary              | Adjourned because IJ determined that an in-person hearing is necessary.   |
| 29  | To Indicate Concurrent Applications for Relief                    | Alien/Attorney/Representative has filed an application for any other form of relief <b>in addition to</b> suspension of deportation or cancellation of removal. Typically used during the suspension/cancellation grant cut-off period. |
| *30 | Consolidation with Family Members                                 | Adjourned to allow Immigration Court to consolidate a family under one lead A#.   |

+ These codes exempt a case from being counted toward the Case Completion Goals.

\* These codes will stop the Asylum Clock until the next hearing.

**D. List of Revised Adjournment Codes with the Definition (continued):**

|      |   |  |
|------|---|--|
| 31   | RC to SC Merits Hearing                         | Adjourned from a Reasonable Cause to a Special Circumstances Merits Hearing in a continued detention review case, meaning that a final decision by the IJ or the BIA has determined that DHS met the burden to show reasonable cause to proceed with a merits hearing. |
| 32   | Interpreter Not Ordered                         | Adjourned because the case requires an interpreter but none was ordered.   |
| 33   | Interpreter Ordered, but FTA                    | Case adjourned because the ordered interpreter ordered but failed to appear.   |
| 34   | Unplanned IJ Leave - Sick/Annual                | Adjourned because the presiding IJ is on unscheduled sick or annual leave.   |
| 35   | Unplanned IJ Leave - Detail/Other Assignment    | Adjourned because the presiding IJ is on detail assignment or other administrative assignment.   |
| +*36 | Records/Biometrics Check/Overseas Investigation | Adjourned to allow <b>alien</b> time to complete the required paperwork for a biometrics check or an overseas investigation.   |
| +37  | DHS Investigation                               | Adjourned to allow DHS time to complete investigations.  |
| *38  | Illness of Alien                                | Adjourned due to severe and legitimate illness of alien.   |
| *39  | Illness of Atty/Rep                             | Adjourned due to severe and legitimate illness of alien attorney/representative.   |
| *40  | Illness of Witness                              | Adjourned due to severe and legitimate illness of a material witness and/or expert.  |
| *42  | Alien Requested Forensic Analysis               | Adjourned by request of alien for forensic analysis.   |
| +43  | DHS Forensic Analysis                           | Adjourned by request of DHS for forensic analysis.   |

+ These codes exempt a case from being counted toward the Case Completion Goals.

\* These codes will stop the Asylum Clock until the next hearing.

**D. List of Revised Adjournment Codes with the Definition (continued):**

|      |  |  |
|------|--|--|
| +44  | Cooperating Witness/Law Enforcement                | Adjourned because alien is a cooperating witness or law enforcement has an interest in the alien.  |
| *45  | Joint Request of Both Parties                      | Adjourned at the request of alien/attorney/representative and government representative.   |
| 46   | Televideo Malfunction                              | Adjourned due to malfunction of televideo equipment.   |
| +47  | New Charge Filed by DHS                            | Adjourned because of charge newly filed by DHS   |
| 48   | Interpreter Appeared but IJ Rejected               | Adjourned because contract interpreter appeared but rejected by IJ; e.g., IJ previously disqualified interpreter from all future hearings, but same interpreter shows up for the case or it is determined during the hearing that the interpreter is not interpreting correctly and IJ disqualifies interpreter. |
| 49   | Juvenile Home Study                                | Adjourned due to required home study before final adjudication.  |
| +50  | Quarantine - Detained Cases                        | Adjourned because alien is quarantined due to outbreak of illness in detention facility.   |
| *51  | Contested Charges                                  | Adjourned due to alien contesting charges.   |
| *52  | Jurisdiction Rests with the BIA                    | Adjourned due to alien filing certain appeals or motions causing jurisdiction to shift from the court to the BIA.  |
| +53  | DHS Request for Certification of Mental Competency | Adjourned because DHS requested a certification of the alien's mental competency.  |
| +*54 | Alien Claim to U.S. Citizenship                    | Adjourned due to alien claiming to be a U.S. citizen.  |

+ These codes exempt a case from being counted toward the Case Completion Goals.

\* These codes will stop the Asylum Clock until the next hearing.

**D. List of Revised Adjournment Codes with the Definition (continued):**

|    |                               |   |
|----|-------------------------------|---|
| 55 | Hearing Deliberately Advanced | Adjourned because circumstances dictated that the hearing be moved forward; e.g., a non-detained alien is arrested and hearing now has to be placed on the detained docket causing the hearing date to be earlier than previous hearing date. |
| 99 | Data Entry Error              | Hearing date entered in error and cannot be corrected. <b>(CASE users only)</b>   |

**NOTE: The edit table contains inactive codes that are not included in this OPPM.**

**E. Call-up Codes:**

The following list of call-up codes will be used by all Immigration Judges, Court Administrators, and Support Staff. The call-up code is entered into the automated system by a member of the support staff using a two-letter alphabetic code (an adjournment code is a two-digit alpha numerical code).

| <u>CODE</u> | <u>DESCRIPTION</u>   |
|-------------|--|
| AB          | Alien/Attorney/Representative to file brief (other than for appeal)  |
| AS          | Alien/Attorney/Representative to file an Asylum Application - Form I-589   |
| CA          | LPR Alien/Attorney/Representative to file application for Cancellation of Removal - Section 240A(a)                          |
| CB          | Non-LPR Alien/Attorney/Representative to file application for Cancellation of Removal - Section 240A(b)                      |
| DD          | Decision of the IJ is delayed due to extenuating circumstances during a continued detention review hearing                   |
| IA          | Interlocutory appeal filed by DHS to appeal the denial of a motion for protective order                                      |
| IB          | DHS to file document(s) or brief (other than for appeal)   |
| MR          | Pending IJ response to motion or request - motion for change of venue; motion for termination; request for continuance, etc. |
| OT          | Alien/Attorney/Representative to file other application/document   |



**E. Call-up Codes (continued):**

| <u>CODE</u> | <u>DESCRIPTION</u>  |
|-------------|---|
| RC          | DHS to Provide Records Checks   |
| RE          | Alien/Attorney/Representative to file application for Registry - Section 249                  |
| RR          | Reserved Decision   |
| SR          | Pending State Department Response to Asylum Application                                       |
| ST          | Alien/Attorney/Representative to file application for Adjustment of Status - Section 245      |
| SU          | Alien/Attorney/Representative to file application for Suspension of Deportation - Section 244 |
| WA          | Alien/Attorney/Representative to file application for a waiver, e.g. Section 212(i)           |

**F. Case Identification Codes:**

The following list of case identifiers will be used by all Immigration Judges, Court Administrators, and Support Staff. The case identifier is entered into the automated system by a member of the support staff using a one or two-letter alphanumeric code.

| <u>CODE</u> | <u>DESCRIPTION</u>                    |
|-------------|---------------------------------------|
| +4M         | NTA Not Filed Within 120 Days of EPRD |
| B           | Barahona Cases                        |
| CA          | Cuban-Nicaraguan                      |
| CN          | NACARA Remand                         |
| DC          | Departure Control Case                |
| EM          | Electronic Monitoring                 |
| F           | Female                                |
| FS          | Forced Sterilization                  |

+ These codes exempt a case from being counted toward the Case Completion Goals.

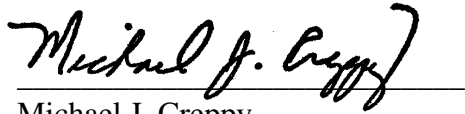
**F. Case Identification Codes (continued):**

| <u>CODE</u> | <u>DESCRIPTION</u>  |
|-------------|---|
| HA          | Haitian Refugee Fairness Act                              |
| +J          | Juvenile Case   |
| J1          | Juvenile Turned 18 While Case Pending                     |
| NA          | NACARA  |
| ND          | NACARA Dependents   |
| PO          | Protective Order  |
| RD          | Reserved Suspension/Cancellation Decision                 |
| +RI         | BIA Remand of IHP Case Originally Completed Prior to EPRD |
| RN          | Cancellation of Removal                                   |
| RP          | Administrative Closure of Repapered Cases                 |
| SC          | NACARA Section 203  |
| SR          | Stipulated Removal  |
| TE          | Tefel   |
| TC          | Third Country   |
| +UJ         | Unaccompanied Juvenile - See OPPM 04-07                   |

+ These codes exempt a case from being counted toward the Case Completion Goals.

**G. Use of Adjournment, Call-Up and Case Identification Codes:**

All Court Administrators are instructed to review this OPPM with their support staff to insure that the adjournment, call-up and case identification codes are properly entered. Use of all codes should be monitored to identify any improper use of them in the automated system.

A handwritten signature in black ink, reading "Michael J. Creppy", written over a horizontal line.

Michael J. Creppy  
Chief Immigration Judge

Attachment

# Adjournment Codes

June 15, 2005

## ALIEN - RELATED ADJOURNMENTS

| Description   | Code | Clock |
|---|------|-------|
| Alien to Seek Representation  | 01   | S     |
| Preparation - Alien/Attorney/Representative                                 | 02   | S     |
| Alien to File for Asylum  | 05   | S     |
| Alien to File Other Application   | 06   | S     |
| DHS Application Process - Alien Initiated                                   | 7A+  | S     |
| DHS Adjudication of I-130   | 7C+  | S     |
| DHS Adjudication of I-140   | 7D+  | S     |
| DHS Adjudication of I-730   | 7E+  | S     |
| DHS Adjudication of I-751   | 7F+  | S     |
| 1966 Cuban Adjustment   | 7G+  | S     |
| Pending Naturalization of Petitioning Relative                              | 7H+  | S     |
| No-show by Alien/Alien's Attorney/Representative                            | 11   | S     |
| Alien/Alien's Attorney/Representative Request                               | 12   | S     |
| Supplement Asylum Application   | 21   | S     |
| Alien or Representative Rejected Earliest Possible<br>Asylum Hearing        | 22   | S     |
| Asylum Application Withdrawn/Reset for Other Issues                         | 23   | X     |
| Alien Request for an In-Person Hearing                                      | 26   | S     |
| Consolidation with Family Member  | 30   | S     |
| Preparation of Records/Biometrics Check/<br>Overseas Investigation by Alien | 36+  | S     |
| Illness of Alien  | 38   | S     |
| Illness of Atty/Representative  | 39   | S     |
| Illness of Witness  | 40   | S     |
| Alien Requested Forensic Analysis   | 42   | S     |
| Joint Request of Both Parties   | 45   | S     |
| Contested Charges   | 51   | S     |
| Jurisdiction Rests with the BIA   | 52   | S     |
| Alien Claim to U.S. Citizenship   | 54+  | S     |

## DHS - RELATED ADJOURNMENTS

| Description   | Code | Clock |
|---|------|-------|
| Preparation - DHS   | 03   | R     |
| DHS or DHS Administrative File<br>Unavailable for Hearing     | 04   | R     |
| DHS Application Process - DHS Initiated                       | 7B+  | R     |
| Alien in DHS/Corrections Custody<br>not Presented for Hearing | 09   | R     |
| Alien Released From DHS/Corrections Custody                   | 16   | R     |
| DHS to Provide Biometrics Check                               | 24+  | R     |
| DHS Request for an In-Person Hearing                          | 27   | R     |
| DHS Investigation   | 37+  | R     |
| DHS Forensic Analysis   | 43+  | R     |
| Cooperating Witness /Law Enforcement                          | 44+  | R     |
| New Charge Filed by DHS                                       | 47+  | R     |
| Juvenile Home Study   | 49   | R     |
| Quarantine - Detained Cases                                   | 50+  | R     |
| DHS Request for Certification of Mental Competency            | 53+  | R     |

## IJ - RELATED ADJOURNMENTS

|  |    |   |
|--|----|---|
| Insufficient Time to Complete Hearing        | 13 | R |
| MC to IC - Merits Hearing                    | 17 | R |
| IJ Request for an In-Person Hearing          | 28 | R |
| RC to SC Merits Hearing                      | 31 | R |
| Unplanned IJ Leave - Sick/Annual             | 34 | R |
| Unplanned IJ Leave - Detail/Other Assignment | 35 | R |
| Interpreter Appeared But IJ Rejected         | 48 | R |

## OPERATIONAL ADJOURNMENTS

|                                       |    |   |
|---------------------------------------|----|---|
| State Department Response not in File | 08 | R |
| Notice Sent/Served Incorrectly        | 10 | R |
| Other Operational/Security Factors    | 14 | R |
| Allow for Scheduling of Priority Case | 25 | R |
| Concurrent Application                | 29 | R |
| No Interpreter - Not Ordered          | 32 | R |
| No Interpreter - Ordered but FTA      | 33 | R |
| TeleVideo Malfunction                 | 46 | R |
| Hearing Deliberately Advanced         | 55 | R |
| Data Entry Error                      | 99 | R |

| COLOR KEY  | CLOCK CODES           |
|--|-----------------------|
| <b>RED</b> = Alien-Related Delay                 | <b>S</b> = Stops      |
| <b>GREEN</b> = DHS-Related Delay                 | <b>R</b> = Runs       |
| <b>BLUE</b> = EOIR-Related Delay (IJ)            | <b>X</b> = Eliminates |
| <b>ORANGE</b> = EOIR-Related Delay (Operational) |                       |

## Call-up Codes

June 15, 2005

| <u>CODE</u> | <u>DESCRIPTION</u>   |
|-------------|--|
| AB          | Alien/Attorney/Representative to file brief (other than for appeal)  |
| AS          | Alien/Attorney/Representative to file an Asylum Application - Form I-589   |
| CA          | LPR Alien/Attorney/Representative to file application for Cancellation of Removal - Section 240A(a)                          |
| CB          | Non-LPR Alien/Attorney/Representative to file application for Cancellation of Removal - Section 240A(b)                      |
| DD          | Decision of the IJ is delayed due to extenuating circumstances during a continued detention review hearing                   |
| IA          | Interlocutory appeal filed by DHS to appeal the denial of a motion for protective order                                      |
| IB          | DHS to file document(s) or brief (other than for appeal)   |
| MR          | Pending IJ response to motion or request - motion for change of venue; motion for termination; request for continuance, etc. |
| OT          | Alien/Attorney/Representative to file other application/document   |
| RC          | DHS to Provide Records Checks  |
| RE          | Alien/Attorney/Representative to file application for Registry - Section 249   |
| RR          | Reserved Decision  |
| SR          | Pending State Department Response to Asylum Application  |
| ST          | Alien/Attorney/Representative to file application for Adjustment of Status - Section 245                                     |
| SU          | Alien/Attorney/Representative to file application for Suspension of Deportation - Section 244                                |
| WA          | Alien/Attorney/Representative to file application for a waiver, e.g. Section 212(i)  |

## Case Identification Codes

June 15, 2005

| <u>CODE</u> | <u>DESCRIPTION</u>  |
|-------------|---|
| +4M         | NTA Not Filed Within 120 Days of EPRD                     |
| B           | Barahona Cases  |
| CA          | Cuban-Nicaraguan  |
| CN          | NACARA Remand   |
| DC          | Departure Control Case                                    |
| EM          | Electronic Monitoring                                     |
| F           | Female  |
| FS          | Forced Sterilization                                      |
| HA          | Haitian Refugee Fairness Act                              |
| +J          | Juvenile Case   |
| J1          | Juvenile Turned 18 While Case Pending                     |
| NA          | NACARA  |
| ND          | NACARA Dependents   |
| PO          | Protective Order  |
| RD          | Reserved Suspension/Cancellation Decision                 |
| +RI         | BIA Remand of IHP Case Originally Completed Prior to EPRD |
| RN          | Cancellation of Removal                                   |
| RP          | Administrative Closure of Repapered Cases                 |
| SC          | NACARA Section 203  |
| SR          | Stipulated Removal  |
| TE          | Tefel   |
| TC          | Third Country   |
| +UJ         | Unaccompanied Juvenile                                    |

+ These codes exempt a case from being counted toward the Case Completion Goals or Aged Completion Deadlines